

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

TOMMY LOUIS SCOTT	§	
VS.	§	CIVIL ACTION NO. 1:10-CV-90
BOARD OF PARDONS & PAROLES	§	

MEMORANDUM OPINION AND ORDER

Petitioner, Tommy Louis Scott, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S. C. § 2254.

Discussion

Petitioner has submitted an application to proceed *in forma pauperis* (doc. no. 3). This application states that on the date it was prepared, Petitioner had a balance of \$91.94 in his inmate trust account.

Since 1892, Congress has permitted indigent persons to bring lawsuits in federal courts without prepayment of filing fees. Act of July 20, 1892, ch. 209.27 stat. 252 (codified, as amended, at 28 U.S.C. § 1915). Section 1915 is intended to provide access to the federal courts for plaintiffs who lack the financial resources to pay any part of the statutory filing costs. However, a district court may order users of the courts to pay the filing fees when they are financially able to do so. *See Williams v. Estelle*, 681 F.2d 946, 947 (5th Cir. 1982); *Smith v. Martinez*, 706 F.2d 572, 573-74 (5th Cir. 1983).

Based on the available balance in Petitioner's inmate trust account, it is clear he has sufficient assets to pay the \$5 filing fee applicable to his petition. Accordingly, Petitioner's application to

proceed *in forma pauperis* will be denied and Petitioner is directed to pay the \$5 filing fee.

Order

For the reasons set forth above, Petitioner's application to proceed *in forma pauperis* is **DENIED**. Petitioner shall, within 30 days from the date set forth below, pay the \$5 filing fee to the Clerk of the Court.

SIGNED this 31 day of March, 2010.



KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE